

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-MD-1976-FDW

IT IS HEREBY ORDERED THAT:

This order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation (the “Panel”) pursuant to its Order of 7 October 2008, as well as all related actions originally filed in this Court or transferred or removed to this Court. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Panel subsequent to the filing of the final transfer order and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

1. Pretrial Consolidation. The cases described in the introductory paragraph of this order, and identified within the Clerk's Notice, are consolidated for pretrial purposes.

(a) Filings. Any document that is to be filed in any of these actions shall be filed electronically via this Court's CM/ECF system, in accordance with the local rules. All documents shall be e-filed only in the Master MDL Docket No.: 3:08-MD-1976. The documents' case caption shall reference the Master MDL Docket Number, along with any applicable member docket number or a reference to "All Member Cases."

(b) Joint Submissions. Where counsel for more than one party plan to file substantially identical submissions they shall join in the submission of such documents and shall file one submission on behalf of all so joined. Any document to be filed in any of these actions that is substantially identical to another document filed in another of these actions shall be sufficient if it incorporates by reference the document to which it is substantially identical.

2. Attorney Appearances. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

(a) ECF Registration. Upon receiving notification of the transfer, counsel will have two (2) weeks within which to register for ECF in order to receive notices of electronic filing

through the Court's ECF system. Counsel may electronically register for ECF on the Court's website at www.ncwd.uscourts.gov. If counsel fail to register, the clerk's office shall remove their name from the Master MDL Docket.

(b) Out-of-State Counsel. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of the Local Rules for the Western District of North Carolina, including the payment of *pro hac vice* admission fees, are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States District Court. This accommodation is made with the understanding that all out-of-state counsel will thoroughly familiarize themselves with this District's local rules, as well as Judge Whitney's standing orders governing civil cases, all available on the Court's website at www.ncwd.uscourts.gov.

3. Termination of Pending Motions. All motions that were pending in any transferred case at the time of the Panel's Transfer Order shall be administratively terminated without prejudice to re-file.

4. Responsive Pleadings or Motions. Any Defendant that has been served with the Complaint and Summons as of the date of transfer shall have thirty (30) days from the date of entry of this Order, or the transfer of a case to this District pursuant to an Order of the Panel, whichever last occurs, in which to file an appropriate motion pursuant to Rule 12 or other applicable authority, or else serve its answer the complaint.

5. Stay of Proceedings. This Court's 21 August 2008 ruling in Spinozzi v. Lending Tree, LLC (3:08-CV-229), ordering that the case be stayed pending submission to arbitration, shall remain in effect as to that member case unless otherwise ordered by the Court.

6. Contact Information. Counsel's primary contacts in the Clerk's Office will be Candace Cochran, Deputy Clerk, who can be reached at (704) 350-7402 or via email at Candace_Cochran@ncwd.uscourts.gov. Primary contacts for counsel within Judge Whitney's chambers will be Ruth Blackmon, Administrative Assistant, and Matthew Fesak or Steve Baker, Judicial Law Clerks. The phone number to Judge Whitney's chambers is (704) 350-7480.

IT IS SO ORDERED.

The Clerk of Court is DIRECTED to send a copy of this Order to:

1. All counsel identified on the Panel Attorney Service List;
2. The Clerk of the Judicial Panel on Multidistrict Litigation; and
3. Counsel of record for identified potential tagalong actions.

Signed: October 16, 2008



Frank D. Whitney
United States District Judge

